

Chapter 1.04

GENERAL PROVISIONS

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1.04.010 Definitions.

For the purpose of this code, certain terms, phrases, and words and their derivatives shall be construed as set out in this section.

Words used in the singular shall include the plural, and the plural the singular.

Words used in the masculine gender shall include the feminine and the feminine the masculine. These rules of construction shall not be applied to any part of this code which shall contain any express provisions excluding such construction, or where the subject matter or context of such provision requires otherwise.

Wherever a section, chapter, or title is referred to in this code by number, it shall be understood to refer to a section, chapter, or title of this code.

City and **town** wherever used in this code, shall each mean the City of Lincoln, or the area within the territorial limits of the City of Lincoln, Nebraska, and such territory outside the corporate limits of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

City Clerk or **clerk** shall mean the City Clerk of the City of Lincoln, Nebraska, or the Deputy City Clerk if one is appointed.

Council shall mean the City Council of the City of Lincoln, Nebraska. All its members or all councilmen or all council members shall mean the total number of council members holding office.

County shall mean the County of Lancaster, Nebraska.

Law shall include applicable federal law, the Constitution and statutes of the State of Nebraska, the ordinances of the City of Lincoln, and, when appropriate, any and all rules and regulations which may promulgated thereunder.

May shall be permissive.

Month shall mean a calendar month.

Must and **shall** are each mandatory.

Oath shall include an affirmation or declaration in all cases in which, by law, an affirmation may substituted for an oath, and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.

Owner, applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

Person shall include a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

Personal property shall include money, goods, chattels, choses in action, and evidences of debt.

Preceding and **following** shall mean next before and next after, respectively.

Property shall include real and personal property.

Real property shall include lands, tenements, and hereditaments.

Sidewalk shall mean that portion of a street customarily between the curb line and the adjacent property line intended for the use of pedestrians and improved for or used by pedestrians.

State shall mean the State of Nebraska.

Street shall include all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the City of Lincoln which have been or may hereafter be dedicated and open to public use and shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel, or such other public property so designated in any law of this state.

Tenant and **occupant**, applied to a building or land, shall include any person who occupies the whole or a part of such building of land, whether alone or with others.

Written shall include printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

Year shall mean a calendar year. (Ord. 15335 §1; November 6, 1989: P.C. §1.20.030: Ord. 3849 §28-103; July 6, 1936).

1.04.020 Title of Office.

Use of the title of any officer, employee, department, board, or commission shall mean that officer, employee, department, board, or commission of the City of Lincoln. (Ord. 15335 §2; November 6, 1989).

1.04.030 Interpretation of Language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 15335 §3; November 6, 1989).

1.04.040 Acts by Agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 15335 §4; November 6, 1989).

1.04.050 Prohibited Acts Including Causing and Permitting.

Whenever in the ordinances of the City of Lincoln, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 15335 §5; November 6, 1989).

1.04.060 Computation of Time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday in which case it shall also be excluded. (Ord. 15335 §6; November 6, 1989).

1.04.070 Construction.

The provisions of the ordinances of the City of Lincoln and all proceedings under them are to be construed with a view to effect their objects and promote justice. (Ord. 15335 §7; November 6, 1989).

1.04.080 Repeal Shall Not Revive Ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 15335 §8; November 6, 1989).

1.04.090 Purpose of Catchheads.

The catchheads appearing in the sections, chapters, and titles of this code are inserted simply for convenience to serve the purpose of an index, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this code. (Ord. 15335 §9; November 6, 1989; P.C. §30.04.010; Ord. 3489 §48-201; July 6, 1936).

1.04.100 Savings Clause.

This code shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance or part of any ordinance hereby repealed; and this code shall in no manner affect rights or causes of action, either civil or criminal, not in suit, that may have already accrued or grown out of any ordinance, or part of any ordinance, hereby repealed. (Ord. 15335 §10; November 6, 1989; P.C. §30.04.030; Ord. 3489 §48-102; July 6, 1936).

1.04.110 Repeal of Code Sections; Pending Actions.

Whenever a section of this code shall be repealed, such repeal shall in no manner affect pending actions founded thereon, nor causes of action not in suit that accrued prior to any such repeal, except as may be provided in such repealing ordinance. (Ord. 15335 §11; November 6, 1989; P.C. §30.04.050; Ord. 13763 §1; February 13, 1984).

1.04.120 Police Jurisdiction Over City Property Outside the City.

Pursuant to the authorization of Neb. Rev. Stat. § 18-1715, (Reissue 1987), all ordinances, rules and regulations of the city now in force and effect or which may hereafter be enacted and become effective and in force shall apply to an airport, park, waterworks system, sewerage system, or any portion of the same, or any other municipal facility, owned or controlled or operated by the city and outside of the corporate limits of the city, with the same force and effect as though such properties were located within the corporate limits of the city, and the city shall exercise police jurisdiction over the same as fully as if the same were situated within the corporate limits of the city. This section shall also apply to and be in force and effect as to any other real estate outside the city limits now owned by the city or hereafter acquired. (Ord. 15335 §12; November 6, 1989: P.C. §14.92.010: Ord. 7756 §1; June 4, 1962).

1.04.130 One Prosecution for One Offense.

In all cases where the same offense is made punishable or is created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one prosecution shall be had against the same person for the same offense. (Ord. 15335 §13; November 6, 1989: P.C. §1.20.020: Ord. 3849 §28-102; July 6, 1936).

1.04.140 Validity.

Each section and each subdivision of a section of this code is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this code is concerned; and the invalidity of any section or subdivision of a section of this code shall not invalidate any other section or subsection of a section thereof. (P.C. §30.04.020: Ord. 3489 §48-101; July 6, 1936).